

Message Text

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63

ORIGIN L-03

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DRAFTED BY L/NEA:ATBROWN:CF

APPROVED BY EUR-WSTABLER

EUR/TUR - MR DILLON

SCA - MR SMITH

SCA - MISS WATSON

L - MR FELDMAN

JUSTICE - MR STEIN (PARA 1)

----- 000183

R 031851Z JUN 74

FM SECSTATE WASHDC

TO AMEMBASSY ANKARA

INFO AMCONSUL ISTANBUL

C O N F I D E N T I A L STATE 115854

E.O. 11652: GDS

TAGS: CASC, TU

SUBJECT: WILLIAM HAYES CASE

REF: A. ANKARA 3957

B. STATE 106343

C. STATE 105326

D. STATE 106110

1. ARRANGEMENTS NOW COMPLETE HERE FOR RETURN OF HAYES UNDER CONDITIONS OUTLINED REFTELS. WILLIAM HAYES SR. AND LAWYER MICHAEL GRIFFITH HAVE COME TO DEPT. FOR FULL BRIEFING AND HAVE GIVEN ASSURANCES OF COOPERATION IN ALL REQUESTS, INCLUDING IN AREA OF PUBLICITY. DIRECTOR OF PROBATION, ADMINISTRATIVE OFFICE OF U.S. COURTS, HAS AGREED TO PROVISION OF COURTESY PAROLE SUPERVISION BY FEDERAL PAROLE OFFICER IN NASSAU COUNTY, LONG ISLAND, AND CUSTOMARY "PRE-RELEASE INVESTIGATION" (I.E., INTERVIEW OF HAYES SR. BY PAROLE OFFICER) HAS BEEN CARRIED OUT WITH RESULTS SATISFACTORY TO FEDERAL PROBATION AUTHORITIES. JUSTICE HAS AGREED TO PROVIDE MARSHAL ON TWO DAYS NOTICE AND HAYES SR. CONFIDENTIAL

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HAS AGREED TO PAY MARSHAL;S TRAVEL AND PER DIEM EXPENSES.

2. CONCERNING LETTER TO GOT:

A. FIRST AND FOURTH PARAS: WHILE EREM, AS DRAFTER OF LAW 647, IS UNDOUBTEDLY RIGHT IN CONSIDERING HUMANITARIAN

AND HEALTH FACTORS IRRELEVANT TO STRICT APPLICATION OF THE LAW (REF A), WE WONDER WHETHER LANGUAGE SUGGESTED REF C WOULD NOT FACILITATE ESSENTIALLY POLITICAL DECISION OF GOT ON THIS ISSUE. GOT MAY BELIEVE IT MIGHT HAVE TO PUBLISH TEXT OF SUBSTANCE OF LETTER AT SOME TIME IN DEFENSE OF ITS ACTION. THAT POSSIBILITY, COUPLED WITH CLEAR UNDERSTANDING OF GOT THAT REQUIREMENTS OF LAW 647 CANNOT BE STRICTLY FULFILLED BY USG, SUGGESTS GOT MAY BE MORE COMFORTABLE WITH LETTER RELYING PARTLY ON HUMANITARIAN GROUNDS RATHER THAN ONE APPEARING TO RELY SOLELY ON LEGAL REQUIREMENTS OF THE LAW. ACCORDINGLY, UNLESS EMBASSY FEELS HUMANITARIAN REFERENCES WOULD BE COUNTERPRODUCTIVE, SUGGEST LANGUAGE OF REF C BE RETAINED.

B. SECOND PARA -- SHOULD NOW READ AS FOLLOWS: QUOTE

----- I WISH TO PROPOSE THAT
MR. HAYES BE RELEASED TO THE CUSTODY OF THE UNITED STATES EMBASSY- MR HAYES WOULD THEN BE ESCORTED BY A UNITED STATES MARSHAL FROM ANKARA TO THE UNITED STATES, WHERE HE WOULD BE DELIVERED TO APPROPRIATE AUTHORITIES FOR SERVICE OF HIS SENTENCE IN ACCORDANCE WITH SUCH LAWS AND REGULATIONS OF THE UNITED STATES AS MAY BE APPLICABLE UNDER THE CIRCUMSTANCES. WE PRESENTLY ANTICIPATE THIS WOULD INVOLVE SUPERVISED PAROLE ADMINISTERED UNDER CONSENSUAL PROCEDURES SIMILAR TO THOSE ARRANGED FOR OTHER UNITED STATES CITIZENS SENTENCED ABROAD. END QUOTE.

C. THIRD PARA -- LANGUAGE OF REF A ACCEPTABLE.

3. WE BELIEVE LETTER SHOULD BE DELIVERED TO FOREIGN MINISTER AS SOON AS POSSIBLE, THUS LEAVING TO HIM DECISION AS TO BEST TIMING FOR PRESENTATION TO COUNCIL OF MINISTERS. HOWEVER, DEPT WILL RELY ON EMBASSY'S JUDGMENT ON MOST APPROPRIATE TIME FOR DELIVERY.

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4. WHEN DELIVERING NOTE EMBASSY REQUESTED MAKE CLEAR ORALLY TO GOT THAT HAYES WILL BE ON PAROLE STATUS IN U.S., NOT IN JAIL, AND THAT DEPARTMENT'S UNDERTAKING IN RESPECT TO RECIPROCITY MUST BE UNDERSTOOD IN CONTEXT OF INDEPENDENCE OF PROSECUTORIAL AND JUDICIAL SYSTEMS IN U.S.

5. FOR ISTANBUL: AFTER REPEAT AFTER AGREEMENT REACHED WITH

GOT ON HAYES RELEASE, WE WILL REQUEST THAT YOU ARRANGE
PRIVATE DISCUSSION WITH HIM TO GO OVER PLAN, EXPLAIN NEED
FOR HIS COOPERATION IN ACCEPTING SUPERVISED PAROLE AND
AVOIDING PUBLICITY, AND OBTAIN HIS CONSENT TO THE

ARRANGEMENT. THIS IS A STEP OF MAJOR IMPORTANCE IN THE
PROCESS; FULL INSTRUCTIONS WILL BE PROVIDED WHEN VISIT
REQUESTED. KISSINGER

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